

REPORT BY THE
AUDITOR GENERAL
OF CALIFORNIA

**CALIFORNIA'S RECORDS ON THE INCIDENCE OF
CHILD ABUSE ARE INCOMPLETE AND INACCURATE**

REPORT BY THE
OFFICE OF THE AUDITOR GENERAL

P-739

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AUGUST 1988



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Auditor General

August 25, 1988

P-739

Honorable Bruce Bronzan, Chairman
Members, Joint Legislative
Audit Committee
State Capitol, Room 448
Sacramento, California 95814

Dear Mr. Chairman and Members:

The Office of the Auditor General presents its report concerning the reporting of suspected child abuse incidents to the State. Specifically, California's Child Abuse Central Index does not contain many reports of suspected child abuse. In addition, the index contains some reports that should not be there and others that are incomplete and inaccurate.

Respectfully submitted,

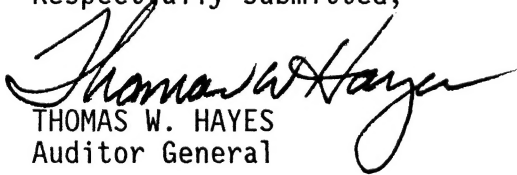

THOMAS W. HAYES
Auditor General

TABLE OF CONTENTS

	<u>Page</u>
SUMMARY	S-1
INTRODUCTION	1
AUDIT RESULTS	
I CALIFORNIA'S CHILD ABUSE CENTRAL INDEX DOES NOT CONTAIN MANY REPORTS OF SUSPECTED CHILD ABUSE	7
CONCLUSION	19
RECOMMENDATIONS	20
II THE CHILD ABUSE CENTRAL INDEX CONTAINS SOME REPORTS THAT SHOULD NOT BE THERE AND OTHERS THAT ARE INCOMPLETE AND INACCURATE	23
CONCLUSION	36
RECOMMENDATIONS	37
APPENDICES	
A A DISCUSSION OF THE DEPARTMENT OF JUSTICE'S CRIMINAL HISTORY SYSTEM	41
B A COPY OF THE SUSPECTED CHILD ABUSE REPORT FORM THAT CHILD PROTECTIVE AGENCIES SUBMIT TO THE DEPARTMENT OF JUSTICE	43
C THE TYPES OF ERRORS MADE BY THE CHILD PROTECTIVE AGENCIES AND THE DEPARTMENT OF JUSTICE FOR PRIORITY ONE DATA ELEMENTS	45
D THE TYPES OF ERRORS MADE BY THE CHILD PROTECTIVE AGENCIES AND THE DEPARTMENT OF JUSTICE FOR PRIORITY TWO DATA ELEMENTS	47
E THE TYPES OF ERRORS MADE BY THE CHILD PROTECTIVE AGENCIES AND THE DEPARTMENT OF JUSTICE FOR PRIORITY THREE DATA ELEMENTS	49

TABLE OF CONTENTS (Continued)

	<u>Page</u>
APPENDICES (Continued)	
F A FLOW CHART ILLUSTRATING THE DEPARTMENT OF JUSTICE'S PROCEDURES FOR ENTERING REPORTS OF SUSPECTED CHILD ABUSE INTO THE CHILD ABUSE CENTRAL INDEX	51
RESPONSE TO THE OFFICE OF THE AUDITOR GENERAL'S REPORT	
Department of Justice	53

SUMMARY

RESULTS IN BRIEF

The Child Abuse Reporting Law requires child protective agencies (police and sheriff departments, county welfare departments, and county probation departments) to investigate and report incidents of suspected child abuse to the Department of Justice (department). The department maintains a file of these reports, called the Child Abuse Central Index (index), to assist child protective agencies in the investigation of individuals suspected of child abuse and in the prevention of child abuse. Based upon our evaluation of a sample of reports of suspected child abuse that were received by 13 child protective agencies during our review period and our evaluation of reports of suspected murders of children received by 8 of these agencies, we noted the following conditions:

- The index does not contain 32 percent of our sample of reports of suspected child abuse that the agencies investigated and determined not to be unfounded. Child protective agencies are responsible for almost all of these missing reports;
- The 8 law enforcement agencies that we visited did not submit reports of suspected child abuse to the department for 93 percent of the suspected murders of children that these agencies investigated and determined not to be unfounded from January 1, 1985, to December 31, 1987;
- The index contains reports that it should not. This error occurred because, contrary to law, child protective agencies failed to notify the department that reports of suspected child abuse previously filed with the department were later proven to be unfounded; and

- Fifteen percent of the reports in our sample that were entered into the index lacked high priority information that was available in the files of child protective agencies.

As a result of these conditions, the State could issue a child-care license or grant employment involving the care of children to an individual without knowing that the individual was a suspect in a child abuse incident. Also, local agencies could have limited information to assist them in their efforts to protect children from potentially dangerous situations. Lastly, some individuals could be wrongly identified as suspected child abusers.

BACKGROUND

The California Penal Code defines child abuse as the nonaccidental infliction of physical injury on or the sexual abuse of a child under 18 years of age. Additionally, the Penal Code requires that certain individuals responsible for providing custodial, medical, and nonmedical care for children, such as child-care providers, doctors or teachers, report known or suspected incidents of child abuse to a child protective agency. The child protective agencies are required to report to the department all incidents of suspected child abuse that they investigate and determine not to be unfounded. An unfounded report is one that the investigator for a child protective agency determines to be false, to be inherently improbable, to involve an accident, or not to constitute child abuse. Upon request from an authorized agency, the department will check the index to see whether the name of either a suspect or a victim appears on any other reported incident of suspected child abuse. If either of the names does appear, the department forwards this information back to the agency. For example, the Community Care Licensing Division of the Department of Social Services uses the index to determine whether individuals seeking child-care licenses have been previously involved in a suspected child abuse incident.

PRINCIPAL FINDINGS

The Index Does Not Contain Many Reports of Suspected Child Abuse

The index does not contain 76 (32 percent) of our sample of 236 reports of suspected child abuse that child protective agencies investigated and determined not to be unfounded. Sixty-eight of these omissions are due to child protective agencies failing to submit reports to the department as the law requires. In addition, the law enforcement agencies that we reviewed did not submit reports of suspected child abuse to the department for 55 (93 percent) of the 59 incidents of suspected murders of children that these agencies investigated and determined not to be unfounded. The child protective agencies failed to submit the required reports of suspected child abuse for several reasons. For example, employees of the child protective agencies were not familiar with the state requirements for reporting suspected child abuse. Moreover, the law enforcement agencies did not report the suspected murders of children as suspected child abuse to the index either because they were unaware of the reporting requirements or were interpreting the requirements to exclude, under certain circumstances, the reporting of many murders of children.

The Index Contains Some Reports That Should Not Be There and Others That Are Incomplete and Inaccurate

The index contains reports of suspected child abuse that it should not. Of our sample of 71 reports that child protective agencies determined to be unfounded, 4 appeared in the index. These errors occurred because, contrary to law, child protective agencies failed to notify the department that reports of suspected child abuse previously filed with the department were later proven to be unfounded. As a result of these errors, the department

could wrongly identify individuals as suspects in child abuse incidents, and these individuals could be unfairly delayed in obtaining licenses or employment. Lack of coordination among agencies within the same county has contributed to this problem. In addition, some reports in the index are either incomplete or inaccurate. Twenty-four (15 percent) of the 164 reports that child protective agencies submitted to the department from our sample had significant errors. The reports either lacked information such as a suspect's name that was available in the case files of the child protective agencies or contained information that was not consistent with documents in the files. The child protective agencies made errors in 20 of the reports, and the department made errors in entering information into the index for the other 4 reports. In addition to significant errors in the index, the index also contained other errors. The reports in the index are incomplete and inaccurate because neither the child protective agencies nor the department verifies the accuracy of the reports. For example, the department does not always check the accuracy of the reports that it enters into the index; however, the department implemented procedures to review 100 percent of the reports beginning on July 18, 1988.

RECOMMENDATIONS

To ensure that all child protective agencies are familiar with the requirements for the reporting of suspected child abuse, the Department of Justice should issue an information bulletin that does the following:

- Reemphasizes the requirements for reporting suspected child abuse to the department;
- Reemphasizes that the child protective agencies should report all incidents of suspected murders of children that are determined not to be unfounded as suspected child abuse as required by the department's Information Bulletin AS-87-7-BCS;

- Recommends that child protective agencies ensure that all employees who are involved in investigating and reporting suspected incidents of child abuse are aware of the child abuse reporting requirements;
- Reemphasizes the development of formal cooperative arrangements among agencies to coordinate their duties to investigate and submit reports; and
- Recommends that child protective agencies should establish controls to ensure that reports of suspected child abuse that are determined not to be unfounded are submitted to the State and that they are complete and accurate.

To ensure the accuracy of the information that is entered into the Child Abuse Central Index, the department should develop and implement procedures that include steps to compare the information that is entered into the index for all reports of suspected child abuse with the source documents.

AGENCY COMMENTS

On July 29, 1988, the Department of Justice issued to all child protective agencies a comprehensive information bulletin that responds to each of our recommendations to improve the reporting of suspected child abuse. In addition, the department has prepared a comprehensive guide for reporting suspected child abuse to the department that it plans to distribute to all child protective agencies by September 1, 1988. Finally, the department has implemented quality control procedures to verify all critical information entered into the Child Abuse Central Index.

INTRODUCTION

In 1980, the State of California enacted the Child Abuse Reporting Law, which is contained in the California Penal Code. The purposes of this law are to protect children by the earliest identification of child abuse possible and to identify persons suspected of crimes against children. The Child Abuse Reporting Law defines child abuse as the nonaccidental infliction of physical injury on or the sexual or mental abuse of a person under 18 years of age by another person. Among other things, this law also states that severe neglect of, willful cruelty or injury to, and unlawful corporal punishment of children are instances of child abuse.

The Child Abuse Reporting Law places certain reporting responsibilities upon specific persons and entities who either know or suspect that a child abuse incident has occurred. Individuals responsible for providing custodial, medical, and nonmedical care for children, such as child-care providers, doctors, or child counselors, must report known or suspected incidents of child abuse to child protective agencies. This law defines child protective agencies as police and sheriff departments, county welfare departments, and county probation departments. After receiving a report of suspected child abuse, child protective agencies typically will investigate the incident if the reported facts indicate that a child abuse incident may have occurred and determine, among other things, whether or not the

report is unfounded. An unfounded report is one that the investigator for the agency determines to be false, to be inherently improbable, to involve an accidental injury, or to not constitute child abuse.

For each incident of suspected child abuse that they investigate and determine not to be unfounded, the child protective agencies must submit a written report to the Department of Justice (department). Moreover, if a child protective agency determines that an incident that was initially determined not to be unfounded is actually unfounded, it must file another report with the department on the unfounded determination. Further, a child protective agency is required to report an incident of suspected child abuse that it discovers during any investigation. For example, investigative units of law enforcement agencies must report incidents of suspected child abuse that they discover during investigations of incidents such as burglary, rape, or murder.

In addition, the Child Abuse Reporting Law requires the department to maintain a file of the suspected child abuse reports that child protective agencies submit. Also, the department is required to continually update the file and ensure that the file does not contain reports that are determined to be unfounded. The department has named this file the Child Abuse Central Index (index). The purpose of the index is to maintain a centralized file of suspected child abuse reports in California to assist in the investigation of suspected child

abuse and to assist in the carrying out of the purpose of the Child Abuse Reporting Law. When the department receives a report of suspected child abuse from a child protective agency, it checks the index to see whether the name of either the suspect or the victim appears on any other reported incident of suspected child abuse. If either of the names does appear, the department is required to report this information back to the agency.

Reports of suspected child abuse that are determined not to be unfounded may be disclosed under certain circumstances to child protective agencies, district attorneys who are prosecuting child abuse cases, the Department of Social Services, and multidisciplinary teams studying child abuse. For example, the California Health and Safety Code requires the Department of Social Services to use the index to determine whether individuals applying for licenses to provide child-care services have ever been reported for suspected child abuse.

Although the Child Abuse Reporting Law does not require the department to ensure that child protective agencies comply with this law, it does authorize the department to issue guidelines for the child protective agencies to follow when reporting incidents of suspected child abuse. The department periodically issues information bulletins to the child protective agencies to revise child abuse reporting instructions. Also, the department provides two types of reporting forms, one for individuals to use to report incidents of suspected

child abuse to child protective agencies and another for child protective agencies to use to report to the department.

According to department data, as of September 1987, over 530 child protective agencies were required to report suspected child abuse incidents to the State. In addition, during fiscal year 1986-87, child protective agencies submitted over 62,000 reports of suspected child abuse that they investigated and determined not to be unfounded. During the same period, the department data shows that the department received over 79,000 requests for information from the index. Over 77,000 or 97.5 percent of these requests came from the Department of Social Services.

SCOPE AND METHODOLOGY

The purpose of our review was to evaluate the accuracy and completeness of the information in the index. We reviewed 13 of over 530 child protective agencies in California. To determine whether these child protective agencies were accurately reporting incidents of suspected child abuse to the department, we reviewed a sample of 307 reports of suspected child abuse that 13 child protective agencies received from various sources from January 1, 1987, to June 30, 1987. We were not able to review reports for the entire review period at 3 child protective agencies. These 13 child protective agencies, which consisted of four police departments, four county sheriff departments,

four social services departments, and one probation department, were located in the counties of Kern, Sacramento, Santa Clara, and Orange. (Table 1 on page 9 lists the names of each agency that we visited.) During the period from January 1, 1987, to June 30, 1987, all of the child protective agencies in these four counties reported to the State over 10,500 (32 percent) of the approximately 32,900 incidents of suspected child abuse reported statewide. According to 1986 population data, these counties represented 17 percent of California's population.

To determine whether child protective agencies were reporting suspected murders of children to the department as suspected incidents of child abuse, we also reviewed the files on the 59 incidents of suspected murders of children that the four city police departments and the four sheriff departments that we visited investigated from January 1, 1985, to December 31, 1987.

At the department, we verified whether it included in the index the reports of suspected child abuse that the child protective agencies submitted from our sample and whether the information in the index for these reports was consistent with the documents in the files of the child protective agencies. To further verify the accuracy and completeness of the index, we compared, for the individuals who were the suspects in our sample, the information in the index with the information the department had on these individuals in its Criminal History System. This system includes a record of crimes that

individuals have been arrested for or convicted of in California, such as child abuse, rape, and murder. Specifically, we reviewed the Criminal History System to determine whether any child abuse information on the suspects had been omitted from the index.

AUDIT RESULTS

I

CALIFORNIA'S CHILD ABUSE CENTRAL INDEX DOES NOT CONTAIN MANY REPORTS OF SUSPECTED CHILD ABUSE

The Child Abuse Central Index (index) does not contain 76 (32 percent) of our sample of 236 reports of suspected child abuse that child protective agencies investigated and determined not to be unfounded. Sixty-eight of these omissions are due to child protective agencies failing to submit reports to the Department of Justice (department) as the law requires. In addition, the eight law enforcement agencies that we visited did not submit reports of suspected child abuse to the department for 55 (93 percent) of the 59 incidents of suspected murders of children that these agencies investigated and determined not to be unfounded. Because 32 percent of the reports in our sample and 93 percent of the reports of suspected murders of children are missing from the index, the department cannot always provide complete information to law enforcement agencies that are attempting to identify, apprehend, and provide information to prosecute suspected child abusers, to the Department of Social Services that provides licenses to providers of care and services to children, and to other agencies that are attempting to prevent child abuse. The child protective agencies failed to submit the reports for several reasons. For example, employees of the child protective agencies were

not familiar with the state requirements for reporting suspected child abuse. Moreover, the law enforcement agencies did not report the suspected murders of children as suspected child abuse to the index either because they were unaware of the reporting requirements or were interpreting the requirements to exclude, under certain circumstances, the reporting of many murders of children.

Some Child Protective Agencies Are
Failing To Submit Reports of Suspected
Child Abuse to the Department

The California Penal Code, Section 11169, requires child protective agencies to submit a written report to the department for each incident of suspected child abuse that they investigate and determine not to be unfounded. We reviewed a sample of 307 reports of suspected child abuse that 13 child protective agencies received from various sources from January 1, 1987, to June 30, 1987. These child protective agencies investigated and determined that 236 of the 307 reports of suspected child abuse were not unfounded. However, the 13 agencies failed to submit to the department a total of 76 of these 236 reports. Table 1 shows the number of reports that we sampled at each of the 13 child protective agencies, the number of reports from our sample that each agency should have submitted to the department, and the number of reports that the 13 agencies did not submit.

TABLE 1

THE NUMBER OF REPORTS OF SUSPECTED CHILD ABUSE
FROM OUR SAMPLE THAT CHILD PROTECTIVE AGENCIES
FAILED TO SUBMIT TO THE DEPARTMENT OF JUSTICE
JANUARY 1, 1987 TO JUNE 30, 1987

<u>Agency</u>	<u>Number of Reports in Our Sample at the Agencies That We Visited</u>	<u>Number of Reports From Our Sample That the Agency Determined Were Not Unfounded</u>	<u>Number of Reports in Our Sample That Should Have Been Submitted to the Department but Were Not</u>
Sacramento Police Department*	25	9	1
Sacramento County Sheriff's Department**	25	23	7
Sacramento County Department of Social Services	23	17	8
Bakersfield Police Department	25	19	3
Kern County Sheriff's Department	25	20	5
Kern County Department of Human Services	25	15	1
San Jose Police Department	25	17	9
Santa Clara County Sheriff	25	20	2
Santa Clara County Department of Social Services***	10	6	6
Santa Clara County Probation Department	24	20	9
Santa Ana Police Department	25	20	2
Orange County Sheriff's Department	25	25	22
Orange County Social Services Agency	<u>25</u>	<u>25</u>	<u>1</u>
Total	<u>307</u>	<u>236</u>	<u>76</u>

* We reviewed data for the period January through March 1987.

** We reviewed data for the period January through February 1987.

*** We reviewed data for the period February through May 1987.

An example of one unreported incident involves a social worker who investigated the suspected sexual molestation of a seven-year-old child. The social worker, as a result of the investigation, determined that the incident had occurred. However, the social worker concluded in her report that, because the family volunteered for counseling, this incident would not reoccur. Consequently, she did not complete the report of suspected child abuse and did not report the incident to the department. However, failure to submit to the department any report of suspected child abuse that an agency has determined to be not unfounded is a violation of state law.

In addition to the reports missing from the index because the child protective agencies failed to send them to the department, another eight (3 percent) of the reports in our sample were missing from the index for unknown reasons. In each of these eight cases, it appears that the agencies had completed the reports of suspected child abuse and submitted them to the department because their case files contained copies of these reports. However, the reports were not in the index or the department's files. Also, according to the manager of the child abuse program, the department does not maintain any other record, such as a log to document the receipt of individual reports, that we could have checked to verify that the department had received the eight reports. Further, managers and supervisors at some child protective agencies primarily rely on certain individuals to complete the investigations and send the reports to the department without keeping a record or employing some other procedures to ensure that

employees actually send the reports to the department. The child protective agencies supposedly mailed the reports of suspected child abuse to the department. However, we could not verify whether the child protective agencies mailed the reports or whether the department received them.

Some Law Enforcement Agencies
Are Not Reporting to the Department
Suspected Murders of Children
as Suspected Child Abuse

In addition to some child protective agencies not reporting suspected child abuse incidents, the law enforcement agencies are not always reporting to the department suspected murders of children as suspected child abuse. However, because murder involves a nonaccidental physical injury, law enforcement agencies should report suspected murders of children to the department as suspected child abuse. Between January 1, 1985, and December 31, 1987, the eight law enforcement agencies that we reviewed investigated and determined that 59 incidents of suspected murders of children were not unfounded. However, these law enforcement agencies did not submit reports of suspected child abuse to the department for 55 (93 percent) of the 59 incidents of suspected murders of children. Table 2 shows the number of incidents of suspected murders of children that the eight law enforcement agencies failed to report to the department.

TABLE 2

THE NUMBER OF INCIDENTS OF SUSPECTED MURDERS OF
CHILDREN THAT EIGHT LAW ENFORCEMENT AGENCIES FAILED
TO REPORT TO THE DEPARTMENT OF JUSTICE
AS SUSPECTED CHILD ABUSE
JANUARY 1, 1985 TO DECEMBER 31, 1987

<u>Agency</u>	<u>Number of Suspected Murders of Children</u>	<u>Number of Suspected Murders That the Agency Determined Were Not Unfounded</u>	<u>Number of Suspected Murders Not Reported to the Department as Suspected Child Abuse</u>
Sacramento Police Department	9	9	8
Sacramento County Sheriff's Department	12	12	12
Bakersfield Police Department	4	4	4
Kern County Sheriff's Department	11	11	8
San Jose Police Department	15	15	15
Santa Clara County Sheriff	2	2	2
Santa Ana Police Department	5	5	5
Orange County Sheriff's Department	<u>1</u>	<u>1</u>	<u>1</u>
Total	<u>59</u>	<u>59</u>	<u>55</u>

In one instance, a police department investigated an incident in which a five-month-old infant girl was molested and raped with a foreign object that caused severe bleeding. She later died. The physician who examined the child stated that the cause of death was acute cardiopulmonary arrest, probably as a result of the injuries that

the child sustained. However, the police department did not report this case to the department as an instance of suspected child abuse.

An Incomplete Index Can
Hinder Efforts To Identify
Suspects and Protect Children

According to the Child Abuse Reporting Law, child protective agencies and the Department of Social Services are authorized to use the index. Because some reports of suspected child abuse are missing from the index, the agencies that use the index can be hindered in their efforts to protect children from abuse and to identify, apprehend, and provide information to prosecute individuals suspected of child abuse. For example, the Department of Social Services must use the information in the index in evaluating applicants who seek licenses or employment for positions having supervisory or disciplinary responsibility over children. Consequently, when the index is incomplete, it is possible that the Department of Social Services could issue a child-care license or grant employment involving the care of children to an individual without knowing that the individual was a suspect in a child abuse incident.

In addition, Chapter 1613 of the Statutes of 1984 states that one of the major difficulties in treating and preventing child abuse is the need to quickly and accurately identify cases that involve family members or other individuals in frequent and close contact with the victim. The California Penal Code, Section 11170, requires that the

department notify child protective agencies that report suspected incidents of child abuse of any information maintained in the index that is relevant to the incident of suspected child abuse that the child protective agencies are investigating. Because the State's index does not contain all reports of suspected child abuse, the department might not be able to correctly identify individuals who have been previously involved in child abuse incidents. Consequently, local agencies may not have information to assist their efforts to identify suspects and to promptly intervene in those situations in which a child is in danger of abuse.

Although local agencies have another source of information available to them at the department that they can use to identify individuals suspected of involvement in incidents related to child abuse, this source, the Criminal History System, is also incomplete. Of 57 individuals who were arrested during the period of our review as suspects in the suspected abuse of children at the eight law enforcement agencies that we visited, the department's Criminal History System did not contain the names of 8 (14 percent) of these suspects. In addition, of 43 individuals who were arrested as suspects in the suspected murders of children at the eight law enforcement agencies that we visited, the department's Criminal History System, in addition

to the index, did not contain the names of 6 of these suspects.¹
(See Appendix A for a more detailed discussion of the Criminal History System.)

Child Protective Agencies Do
Not Submit to the Department
Required Reports of Suspected
Child Abuse for Many Reasons

The child protective agencies that we visited did not report all the incidents of suspected child abuse to the department that they should have for several reasons. One reason was that employees of the child protective agencies were not familiar with the State's reporting requirements. For example, a sheriff's department investigated and determined not to be unfounded an incident in which a nine-year-old girl was sexually molested. The suspect was later arrested for molesting the child. However, the sheriff's department did not report the incident of suspected child abuse to the department. The commander of investigations at the sheriff's department stated that the incident was not reported because the patrol officers who made the arrest may not be familiar with the Child Abuse Reporting Law.

In addition, although some child protective agencies have established procedures to ensure that they prepare and submit reports

¹We did not review the department's management of the Criminal History System.

of suspected child abuse to the department, employees failed to follow those procedures. For example, in one county, the social services department and the probation department share the responsibility for investigating and reporting to the State incidents of suspected child abuse. Within this county, the social services department receives all reports and referrals of incidents of suspected child abuse. A social worker takes the information from the reporting party and determines whether or not the incident should be investigated. If the social worker decides that the incident warrants investigation, the social worker assigns an investigator from either the social services department or the probation department. Then, the social worker initiates a report form and, later, if the investigator determines that the case was not unfounded, forwards the report form to the investigator for completion. The investigator then returns the completed report to the social services department, which has the responsibility for submitting the report to the department. However, the social worker responsible for initiating the report forms did not initiate all of them. Later, for those cases that were determined not to be unfounded, the investigators did not request those report forms that were not initiated. As a result, the department did not receive the reports of these incidents.

According to an assistant director of the county social services department, during the period of our review, the forms "fell through the cracks" and were not routinely completed by either agency because no central accountability existed for the two agencies. After

our review, the assistant director of the county social services department advised us that the department currently requires the assigned investigator to request a report form if it is not included with the referral for investigation.

Another child protective agency had a major flaw in its procedures that was resulting in only a few of its reports being submitted to the State. This agency had developed a special form that combined the department's report form on one side with its own internal juvenile investigation report form on the other side. However, the agency's procedures did not require its records division to forward these new forms to the department. Consequently, staff in the records division simply filed these forms when they received them, thinking that they were the old juvenile investigation reports. After our review, the captain of investigations at this child protective agency stated that the procedures have been changed. The child protective agency will send all reports of suspected child abuse to the department.

In addition, the law enforcement agencies that we visited have not reported all incidents of suspected murders of children as suspected child abuse to the department either because they were unaware of the reporting requirements or were interpreting the law to exclude, under certain circumstances, the reporting of many murders of children. However, the department issued an information bulletin in April of 1987 to child protective agencies that stated that the Child

Abuse Reporting Law required the reporting of suspected murders of children as either physical abuse or severe neglect, which are both defined as child abuse. The information bulletin specifically stated that any investigator who investigates the suspected murder of a child is required to submit a report of suspected child abuse to the department if the investigator determines that the case is not unfounded.

Officials at some of the law enforcement agencies that we visited stated that they had not received, nor had they seen the department's bulletin that requires the reporting to the department of incidents of suspected murders of children as suspected child abuse. Officials at those law enforcement agencies that received the department's bulletin stated that they have not been reporting all incidents of suspected murders of children as suspected child abuse to the department because their interpretation of the law excludes many types of murders of children from the classification of child abuse. In deciding whether or not an incident constitutes child abuse, these officials stated that they determine the motive of the suspect and the relationship between the suspect and the victim. According to these officials, with one exception, they do not consider crimes involving juveniles to be child abuse if the suspect's motive is related to something other than child abuse. For example, some law enforcement officials do not consider gang-related homicides involving juveniles as child abuse because the suspect's motive is to murder the victim and the suspect usually is unrelated to the victim. The one exception in

the case of juveniles suspected in the murder of children involves incidents in which the suspected juvenile is a caretaker of the victim, such as a parent or a babysitter. These officials stated that they consider such incidents to be child abuse regardless of the motive of the caretaker.

CONCLUSION

The child protective agencies in our sample do not submit all required reports of suspected child abuse to the Department of Justice's Child Abuse Central Index. In addition, law enforcement agencies in our sample have not reported to the department all incidents of suspected murders of children as suspected child abuse. Moreover, the index does not contain other reports of suspected child abuse even though the child protective agencies' files indicate that these agencies submitted the reports to the department. As a result, the index is incomplete, and the department may not be able to provide information that local agencies need to protect victims from abuse and to identify, apprehend, and provide information to prosecute persons suspected of child abuse. The child protective agencies failed to submit the reports for several reasons. For example, employees of the child protective agencies were not familiar with the state requirements for reporting suspected child abuse. Moreover, the law enforcement agencies did not report to the index the

suspected murders of children as suspected child abuse either because they were unaware of the reporting requirements or were interpreting the requirements to exclude, under certain circumstances, the reporting of many murders of children.

RECOMMENDATIONS

To ensure that all child protective agencies are familiar with the requirements for the reporting of suspected child abuse, the Department of Justice should issue a comprehensive information bulletin that does the following:

- Reemphasizes the requirements for reporting suspected child abuse to the department;
- Reemphasizes that the child protective agencies should report all incidents of suspected murders of children that are determined not to be unfounded as suspected child abuse as required by the department's Information Bulletin AS-87-7-BCS;
- Recommends that child protective agencies ensure that all employees who are involved in investigating and reporting suspected incidents of child abuse are aware of the child abuse reporting requirements; and

- Recommends that child protective agencies should establish controls to ensure that each incident of suspected child abuse that is investigated and determined not to be unfounded is reported to the department.

To improve the completeness of the Criminal History System, the department should examine why the reporting agencies have not reported consistently to the department arrest information, and the department should take appropriate action to correct the deficiencies.

II

THE CHILD ABUSE CENTRAL INDEX CONTAINS SOME REPORTS THAT SHOULD NOT BE THERE AND OTHERS THAT ARE INCOMPLETE AND INACCURATE

The Child Abuse Central Index (index) contains some reports of suspected child abuse that should not be there and others that are incomplete and inaccurate. Specifically, of our sample of 71 reports that child protective agencies determined to be unfounded, 4 appeared in the index. These errors occurred because, contrary to law, child protective agencies failed to notify the Department of Justice (department) that reports of suspected child abuse previously filed with the department were later proven to be unfounded. As a result of these errors, the department could wrongly identify individuals as suspects in child abuse incidents, and these individuals could be unfairly delayed in obtaining licenses or employment. Moreover, 24 (15 percent) of the 164 reports that child protective agencies submitted to the department from our sample had significant errors. The 24 reports either lacked information, such as a suspect's name, that was available in the case files of the child protective agencies or contained information that was not consistent with documents in the files. The child protective agencies made errors in 20 of the reports, and the department made errors in entering information into the index for the other 4 reports. In addition to significant errors in the index, the index also contained other errors. The reports in the index are incomplete and inaccurate because neither the child protective

agencies nor the department verifies the accuracy of the reports. For example, the department verifies the accuracy of the information that is entered into the automated index only for the reports of suspected child abuse that involve victims and suspects with a prior record in the index. According to the manager of the child abuse program, approximately 68 percent of all reports received from child protective agencies involve individuals with no prior history in the index. Without accurate information, the department is limited in its ability to assist agencies in their efforts to prevent further child abuse.

The Index Contains Some Reports That Should Not Be There

The California Penal Code, Section 11169, requires that child protective agencies notify the department in writing when reports of child abuse previously filed with the department later prove to be unfounded. Moreover, Section 11169 requires the department not to retain unfounded reports.

Of the 307 reports of suspected child abuse in our sample, the 13 child protective agencies determined that 71 were unfounded. Four of these 71 unfounded reports involve incidents that had been previously reported to the department. However, all 4 of these reports appear in the index as reports that are not unfounded because 4 of the child protective agencies failed to notify the department that they later determined that the reports were unfounded. These agencies

determined that the incidents were unfounded after either they, or another child protective agency that referred the case to them for additional investigation, had submitted a report for each incident to the department.

For example, in one suspected incident of child abuse, a child protective agency submitted a report of suspected child abuse to the department. The child involved in the incident sustained bruises to the legs. Later, the investigator of the incident concluded that the child's injury occurred as the result of an accident. However, we found that the report of this incident was still in the index because the child protective agency did not inform the department later that the incident was determined to be unfounded.

Because the index contains suspected child abuse reports that child protective agencies later determined to be unfounded, the index wrongly identifies the individuals involved as suspects in child abuse incidents. The Department of Social Services must use the information in the index in evaluating applicants who seek licenses or employment for positions having supervisory or disciplinary responsibility over children. According to a supervisor in the Community Care Licensing Division of the Department of Social Services, the Department of Social Services may unduly delay issuing a license to an individual who is wrongly identified as a suspect in a suspected child abuse incident.

Officials at two of the child protective agencies stated that their agencies failed to notify the department about their unfounded determinations because of oversights on the part of their staff. The third child protective agency, a social services department, failed to notify the department about the other unfounded determination because of a lack of coordination of reporting responsibilities between the social services department and a police department within the county. The victim's mother told a social services worker that the victim had told her that the victim's father had sexually molested the victim. The social services worker submitted a report of this suspected child abuse to the department. The police later determined that the incident was unfounded. The lieutenant of the assault unit of the police department stated that because the case was unfounded and his staff members were unaware that the social services worker had reported the incident to the department, the police department neither reported the incident to the department nor notified the department that it had determined that the previously submitted report was unfounded.

We did not find evidence in the police department's files to indicate that the police department had received notification from the social services worker that a report had been submitted to the department. In addition, officials at this law enforcement agency stated that, in their county, there are no written guidelines about reporting responsibilities for such cases and that the decision

regarding which agency will report to the department an incident that is determined not to be unfounded is made informally over the telephone.

Other Reports in the Index
Are Incomplete and Inaccurate

The California Penal Code, Section 11170, states that the department may issue instructions to child protective agencies for reporting suspected incidents of child abuse. The department has issued to child protective agencies information bulletins that establish the department's requirements for reporting incidents of suspected child abuse. In addition, on the face of the report form that the department distributes to the child protective agencies to use, the department instructs the agencies to ensure that the reports are complete and accurate and that they are submitted promptly to provide the maximum benefit in protecting children, identifying suspects, and obtaining information to prosecute suspects. The report form provides space for reporting up to 45 different data elements. Appendix B provides a copy of a blank report form that child protective agencies should use in reporting suspected child abuse to the department.

According to the manager of the department's child abuse program, the department has assigned four priority levels to the data elements on the report form but enters into the index only the data elements for the first three priority levels. Further, according to

the program manager, except for two data elements, the priority level assigned to each data element depends on the importance of the element to the process of correctly matching an individual in the index with an individual about whom information has been requested from the department. Accordingly, priority one data elements consist of those elements that are crucial for making a correct match between a name in the index and a name provided to the department and for identifying the child protective agency that made the report and that agency's file on the case. Priority one data elements consist of the names and birthdates of suspects and victims, the name of the investigating agency, and the identification number of the investigating agency's case file.

The program manager further stated that the department's staff members use the priority two and three data elements when they have doubts as to whether or not an individual described in the index is the same individual about whom the department is attempting to provide information to an agency. Priority two data elements consist of the type of abuse, the sex of the suspects and victims, and information on the type of out-of-home care facility if abuse occurred in an out-of-home facility such as a family day-care center or a child care center. According to the program manager, although the department's staff members do not use information on the type of out-of-home care facility or the type of abuse to confirm a match, it is still important that the department review these two data elements.

The primary reason for requiring child protective agencies to indicate on a report of suspected child abuse whether or not abuse occurred in an out-of-home care facility is that Section 11174 of the California Penal Code requires that the department ensure, in cooperation with the Department of Social Services, that the investigation of abuse in out-of-home care is conducted in accordance with regulations and guidelines established jointly by the Department of Justice and the Department of Social Services. Consequently, the program manager stated that the department's staff members inquire about the handling of investigations of incidents of suspected child abuse that occur in an out-of-home care facility. In addition, the department has instructed the child protective agencies to not report to the department incidents of general neglect. General neglect does not involve physical injury to a child but is defined by the code as the failure of a person responsible for a child to provide sufficient food, clothing, shelter, and care. Consequently, according to the program manager, to ensure that it does not enter into the index information on incidents of general neglect, the department requires the child protective agencies to indicate the type of abuse on reports of suspected child abuse. The department sends back to the reporting agency all reports that show general neglect as the type of abuse that is suspected to have occurred.

According to the program manager, priority three data elements consist of the date of the report, the date of the incident, the race of the suspects and victims, and information on other involved parties

in the incidents. The department does not enter into the index priority four information for which space is provided on the report form because the department rarely uses this information for identifying individuals in the index. The data elements in this category include the addresses of the suspects and victims and their social security and driver license numbers. The program manager stated that the department uses these data elements only to substantiate the authenticity of a match based mainly on priority one information and supported by priority two and three information.

For 24 (15 percent) of the 164 reports of suspected child abuse in our sample that child protective agencies reported to the department, the index either lacked priority one information that was available in the case files of the child protective agencies or contained priority one information that was not consistent with documents in the files. The child protective agencies made errors in 20 of the reports, and the department made errors in entering information in the index for the other 4 reports.

The child protective agencies document in their case files the information that they collect during the investigation using a variety of reports such as investigative reports, medical reports, and transcripts of interviews. However, the child protective agencies do not always use all available information that is necessary to complete the reports of suspected child abuse. In one instance, even though the name and birthdate of a suspect involved in an incident was available

in the case file at the child protective agency, the agency failed to include this information in its report to the department. Consequently, the index did not contain this person's name and birthdate. If the names of suspects, which are priority one information, are omitted from the index, the department will be unable to identify incidents of suspected child abuse in which these individuals were involved should agencies request information on them. Consequently, these agencies may not be able to obtain information regarding the prior suspected child abuse history of suspects and victims to assist their efforts to identify, apprehend, and obtain information to prosecute child abusers and to promptly intervene in those situations in which a child is in danger of abuse.

An additional 43 reports in our sample that were either incomplete or inaccurate lacked at least one of the priority two and three data elements. The child protective agencies are responsible for errors in 30 of these 43 reports. These omissions can limit the department's ability to make a correct match between an individual in the index and an individual about whom information has been requested. In addition, if priority one information is also missing, these omissions can make it difficult for the requesting agency to obtain information from the reporting agency. However, the types of errors we found would probably not have limited the department's ability to make a correct match between information in the index and information provided by a requester. For example, for one report, the index lists the sex of a suspect as male; however, the suspect's sex, as stated on

an investigator's report in a child protective agency's case file, is female. All the other data elements in the report, such as the suspect's name, were accurate. Nevertheless, even though the inaccuracies in priority two and three data elements that we detected do not appear to be significant, we believe that the child protective agencies and the department should still strive for 100 percent accuracy.

Table 3 illustrates, by priority level, the number of reports of suspected child abuse in our sample that have incomplete or inaccurate information and are in the index. Also, the table indicates those reports with errors for which the department is responsible and those with errors for which the child protective agencies are responsible. Appendices C, D, and E detail the types of errors made by the department and each of the 13 child protective agencies for priority one elements, priority two elements, and priority three elements, respectively.

TABLE 3

THE NUMBER OF REPORTS OF SUSPECTED CHILD ABUSE IN OUR SAMPLE
THAT HAVE INCOMPLETE OR INACCURATE INFORMATION
AND ARE IN THE STATE INDEX
BY PRIORITY LEVEL

	<u>Priority 1*</u>	<u>Priority 2*</u>	<u>Priority 3*</u>
Sacramento	1	0	5
Police Department	2	2	1
Sacramento County	0	0	2
Sheriff's Department	1	0	1
Sacramento County	0	0	5
Department of Social Services	1	0	3
Bakersfield	1	0	8
Police Department	1	1	3
Kern County	2	1	4
Sheriff's Department	0	0	0
Kern County	4	0	0
Department of Human Services	1	0	1
San Jose	2	0	2
Police Department	0	0	1
Santa Clara County	0	0	0
Sheriff	0	1	0
Santa Clara County	0	0	0
Department of Social Services	0	0	0
Santa Clara County	0	0	0
Probation Department	0	0	0
Santa Ana	7	0	5
Police Department	1	2	0
Orange County	1	0	0
Sheriff's Department	0	0	0
Orange County	5	0	2
Social Services Agency	<u>6</u>	<u>0</u>	<u>2</u>
Subtotal	23	1	33
	<u>13</u>	<u>6</u>	<u>12</u>
Department of	3	2	2
Justice	<u>4</u>	<u>5</u>	<u>21</u>
Total Number of Reports That Are Incomplete or Inaccurate**	<u>24</u>	<u>11</u>	<u>32</u>

* For each agency and the department, the top number represents the number of reports that contain incomplete information for this priority level. The bottom number represents the number of reports that contain inaccurate information for this priority level.

** The sum of the numbers in the three columns exceeds the total number of reports containing inaccurate or incomplete information (that is, 67 reports) because some reports include multiple errors and, therefore, are represented in the table more than once.

The Reports in the Index Are
Incomplete and Inaccurate Because
Neither the Child Protective Agencies
Nor the Department Verifies
the Accuracy of the Reports

The child protective agencies that we visited submitted reports of suspected child abuse that were inaccurate and incomplete because the individuals who completed the reports erred in transferring from the case files onto the report forms complete and accurate information. Supervisors at the law enforcement agencies that we visited do not compare the reports of suspected child abuse with information in the case files to determine that the reports are complete and accurate before the reports are submitted to the department. According to the supervisors at these child protective agencies, the responsibility for ensuring that the reports are complete and accurate rests with the individuals who complete the reports.

In addition to the child protective agencies submitting incomplete and inaccurate reports of suspected child abuse, the department's staff members have made errors entering data into the automated portion of the index. For example, the department's staff failed to enter into the index the names and dates of birth of 34 of 44 victims who were suspected to have been sexually molested by the same suspect. The names of the 44 victims and the suspect were reported by a child protective agency on one report of suspected child abuse. The department does not have a formal review procedure to verify the accuracy of the reports that it enters into the automated index.

manager of the child abuse program further stated that he had believed what the supervisor had told him and, consequently, had not inquired about the quality control procedures any further.

According to the program manager, the child abuse unit implemented processing procedures on July 18, 1988, that include verification of the accuracy of information in the index for 100 percent of the reports of suspected child abuse that staff members enter into the index.

CONCLUSION

The Child Abuse Central Index improperly contains some reports of suspected child abuse that child protective agencies have determined to be unfounded. This problem exists because child protective agencies failed to notify the Department of Justice that reports of suspected child abuse previously filed with the department were later determined to be unfounded. As a result of these errors, the department could wrongly identify individuals as suspects in child abuse incidents, and these individuals could be unfairly delayed in obtaining licenses or employment. Lack of coordination among agencies within the same county has contributed to this problem. The department's index also contains other reports of suspected child abuse that are incomplete and inaccurate. These reports are incomplete and inaccurate because neither the child protective

agencies nor the department verifies the accuracy of the reports. For example, the department verifies the accuracy of the information that it enters into the automated index only for the reports of suspected child abuse that involve victims and suspects with a prior record in the index. Because the information in the index is incomplete and inaccurate, the department will be limited in its ability to correctly match individuals in the index with the individuals whom the child protective agencies request information about. Consequently, child protective agencies may not obtain the information necessary to identify, apprehend, and provide information to prosecute child abusers and to promptly intervene in those situations in which a child is in danger of abuse.

RECOMMENDATIONS

To ensure that all child protective agencies are aware of the requirements of the Child Abuse Reporting Law, the Department of Justice should issue an information bulletin that does the following:

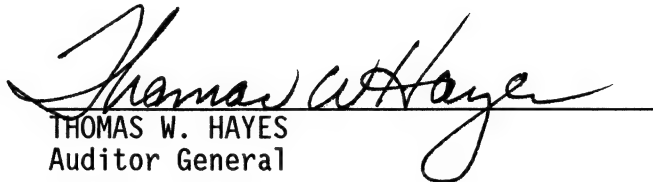
- Reemphasizes Section 11169 of the California Penal Code that requires that all child protective agencies notify the department about reports of suspected child abuse previously filed with the department that later prove to be unfounded;

- Reemphasizes the development of formal cooperative arrangements among agencies to coordinate their duties to investigate and submit reports;
- Recommends that child protective agencies should establish controls to ensure that reports of suspected child abuse are complete and accurate; and
- Recommends that child protective agencies should establish methods to ensure that all personnel that are involved in investigating and reporting suspected incidents of child abuse are aware of the child abuse reporting requirements.

To ensure the accuracy of the information that is entered into the Child Abuse Central Index, the department should develop and implement procedures that include steps to compare the information that is entered into the index for all reports of suspected child abuse with the source documents.

We conducted this review under the authority vested in the Auditor General by Section 10500 et seq. of the California Government Code and according to generally accepted governmental auditing standards. We limited our review to those areas specified in the audit scope section of this report.

Respectfully submitted,


THOMAS W. HAYES
Auditor General

Date: August 22, 1988

Staff: Steven L. Schutte, Audit Manager
Arthur C. Longmire
Daniel W. Gonzales
Philip B. Chubak

APPENDIX A

A DISCUSSION OF THE DEPARTMENT OF JUSTICE'S CRIMINAL HISTORY SYSTEM

To further verify the accuracy and completeness of the Child Abuse Central Index (index), we compared, for the individuals who were the suspects in our sample, the information in the index with the information the department had on these individuals in its Criminal History System. This system includes a record of crimes that individuals have been arrested for or convicted of in California, such as child abuse, rape, and murder. Although we did not review the department's management of the system, we did review the system to determine whether any child abuse information on the suspects had been omitted from the index. Agencies who are attempting to identify individuals suspected of child abuse can request information from this system in addition to the index. However, we found that the system is also incomplete.

Of 57 individuals who were arrested during the period of our review as suspects in the suspected abuse of children at the eight law enforcement agencies that we visited, the department's Criminal History System did not contain the names of 8 (14 percent) of these suspects. In addition, of 43 individuals who were arrested as suspects in the murders of children at the eight law enforcement agencies that we visited, the department's Criminal History System did not contain the names of 6 of these suspects. These 6 suspects were not identified in either the department's Criminal History System or the index. For example, a sheriff's department did not report to either the department's index or the Criminal History System a suspected murder case that it investigated and determined not to be unfounded. The sheriff department's investigation revealed that a suspect had sexually assaulted as well as severely beaten a five-month-old girl. In addition, the suspect threw the victim into a trash bin, and the child died as a result of the injuries.

Although we did not review the department's management of the Criminal History System, we recommend that to improve the completeness of the system, the department should examine why the reporting agencies have not consistently reported to the department arrest information, and the department should take appropriate action to correct the deficiencies.

**A COPY OF THE SUSPECTED CHILD ABUSE REPORT FORM
THAT CHILD PROTECTIVE AGENCIES SUBMIT
TO THE DEPARTMENT OF JUSTICE**

TO BE TYPED OR PRINTED - PRESS FIRMLY - DO NOT USE FELT PEN

CHILD ABUSE INVESTIGATION REPORT To be Completed by Investigating Child Protective Agency Pursuant to Penal Code Section 11169 (SHADED AREAS MUST BE COMPLETED)		FOR DOJ USE ONLY A761047		
A.	1. INVESTIGATING AGENCY (Enter complete name and check type): <div style="display: flex; justify-content: space-between;"><div></div><div><input type="checkbox"/> POLICE <input type="checkbox"/> WELFARE <input type="checkbox"/> SHERIFF <input type="checkbox"/> PROBATION</div></div>	2. AGENCY REPORT NO./CASE NAME:		
	3. AGENCY ADDRESS: Street City	4. AGENCY TELEPHONE: EXT:		
	5. NAME OF INVESTIGATING PARTY: TITLE	6. DATE REPORT COMPLETED: MO DA YR		
	7. AGENCY CROSS-REPORTED TO:	8. PERSON CROSS-REPORTED TO:		
	10. ACTION TAKEN (check only one box): <input type="checkbox"/> (1) ABUSE SUSPECTED <input type="checkbox"/> (2) UNSUBSTANTIATED-ABUSE NOT PROVEN <input type="checkbox"/> (3) SUPPLEMENTAL INFORMATION (Attach copy of original report) <input type="checkbox"/> (a) UNSUBSTANTIATED <input type="checkbox"/> (c) ADDITIONAL INFORMATION <input type="checkbox"/> (b) UNFOUNDED (false report, accidental, improbable)		9. DATE CROSS-REPORTED: MO DA YR	
	11. COMMENTS:			
B.	1. DATE OF INCIDENT: MO DA YR			
	2. TIME OF INCIDENT:		3. LOCATION OF INCIDENT:	
	4. NAME OF PARTY REPORTING INCIDENT: TITLE:		5. EMPLOYER:	
	6. TELEPHONE: ()			
	7. TYPE OF ABUSE (check one or more): <input type="checkbox"/> (1) PHYSICAL <input type="checkbox"/> (2) MENTAL <input type="checkbox"/> (3) INCEST (285 P.C.) <input type="checkbox"/> (4) OTHER SEXUAL ASSAULT <input type="checkbox"/> (5) SEXUAL EXPLOITATION <input type="checkbox"/> (6) SEVERE NEGLECT <input type="checkbox"/> (7) GENERAL NEGLECT <input type="checkbox"/> (8) OTHER			
	8. IF ABUSE OCCURRED IN OUT-OF-HOME CARE, CHECK TYPE <input type="checkbox"/> (1) FAMILY DAY CARE <input type="checkbox"/> (2) CHILD CARE CENTER <input type="checkbox"/> (3) FOSTER FAMILY HOME <input type="checkbox"/> (4) SMALL FAMILY HOME <input type="checkbox"/> (5) GROUP HOME OR INSTITUTION-Enter name and address:			
C.	VICTIMS			1. NAME: Last First Middle AKA DOB MO DA YR <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE
				ADDRESS: Street City State
				PRESENT LOCATION OF VICTIM:
				TELEPHONE NUMBER:
				DID VICTIM'S INJURIES RESULT IN DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO
				NATURE OF INJURIES:
				IS VICTIM DEVELOPMENTALLY DISABLED [4512(a) W&I]? <input type="checkbox"/> YES <input type="checkbox"/> NO
	2. NAME: Last First Middle AKA DOB MO DA YR <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE			ADDRESS: Street City State
				PRESENT LOCATION OF VICTIM:
				TELEPHONE NUMBER:
				DID VICTIM'S INJURIES RESULT IN DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO
				NATURE OF INJURIES:
			IS VICTIM DEVELOPMENTALLY DISABLED [4512(a) W&I]? <input type="checkbox"/> YES <input type="checkbox"/> NO	
SUSPECTS			1. NAME: Last First Middle AKA DOB MO DA YR <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE	
			ADDRESS: Street City State HGT WGT EYES HAIR SOCIAL SECURITY NUMBER:	
			RELATIONSHIP TO VICTIM: <input type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING <input type="checkbox"/> (3) OTHER RELATIVE <input type="checkbox"/> (4) FRIEND/ACQUAINTANCE <input type="checkbox"/> (5) STRANGER <input type="checkbox"/> (6) OTHER	
			DRIVER'S LICENSE NUMBER:	
			2. NAME: Last First Middle AKA DOB MO DA YR <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE	
			ADDRESS: Street City State HGT WGT EYES HAIR SOCIAL SECURITY NUMBER:	
			RELATIONSHIP TO VICTIM: <input type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING <input type="checkbox"/> (3) OTHER RELATIVE <input type="checkbox"/> (4) FRIEND/ACQUAINTANCE <input type="checkbox"/> (5) STRANGER <input type="checkbox"/> (6) OTHER	
			DRIVER'S LICENSE NUMBER:	
OTHER			1. NAME: Last First Middle <input type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING DOB MO DA YR <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE	
			2. NAME: Last First Middle <input type="checkbox"/> (1) PARENT/STEPARENT <input type="checkbox"/> (2) SIBLING DOB MO DA YR <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE RACE	

*RACE CODES: W-White, B-Black, H-Hispanic, A-Asian, P-Pacific Islander, I-American Indian/Alaskan Native, O-Other, X-Unknown

☐ CHECK HERE IF ADDITIONAL SHEET(S) IS ATTACHED.

CS 3803 (Rev. 3/87)

PINK COPY-DOJ; WHITE COPY-Police or Sheriff; BLUE COPY-County Welfare or Probation; GREEN COPY-Attorney's Office

THE TYPES OF ERRORS MADE BY
THE CHILD PROTECTIVE AGENCIES
AND THE DEPARTMENT OF JUSTICE
FOR PRIORITY ONE DATA ELEMENTS

	Sample Size	Number of Cases Reported to the Department	Priority One Data Elements*						Total
			Name of Investigating Agency	Case Number	Victim's Name	Victim's Date of Birth	Suspect's Name	Suspect's Date of Birth	
Sacramento			0	0	0	0	0	1	1
Police Department	25	12	0	0	1	0	0	1	2
Sacramento County			0	0	0	0	0	0	0
Sheriff's Department	25	16	0	0	0	0	1	0	1
Sacramento County			0	0	0	0	0	0	0
Department of			0	0	0	1	0	0	1
Social Services	23	17	0	0	0	1	0	0	1
Bakersfield			0	0	1	0	0	0	1
Police Department	25	16	0	0	0	0	0	1	1
Kern County			0	0	1	1	0	0	2
Sheriff's Department	25	16	0	0	0	0	0	0	0
Kern County			0	0	1	1	1	1	4
Department of			0	0	0	0	0	1	1
Human Services	25	14	0	0	0	0	0	1	1
San Jose			0	0	1	1	0	0	2
Police Department	25	8	0	0	0	0	0	0	0
Santa Clara County			0	0	0	0	0	0	0
Sheriff	25	18	0	0	0	0	0	0	0
Santa Clara County			0	0	0	0	0	0	0
Department of			0	0	0	0	0	0	0
Social Services	10	0	0	0	0	0	0	0	0
Santa Clara County			0	0	0	0	0	0	0
Probation Department	24	2	0	0	0	0	0	0	0
Santa Ana			0	0	1	1	2	3	7
Police Department	25	18	0	0	0	0	1	0	1
Orange County			0	0	1	0	0	0	1
Sheriff's Department	25	3	0	0	0	0	0	0	0
Orange County			0	0	0	0	2	3	5
Social Services			0	0	0	0	1	1	6
Agency	<u>25</u>	<u>24</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>6</u>
Total	<u>307</u>	<u>164</u>	<u>0</u>	<u>0</u>	<u>6</u>	<u>4</u>	<u>5</u>	<u>8</u>	<u>23</u>
Department of			0	0	1	2	0	0	3
Justice	N/A	164	0	0	0	1	0	2	4

Total Number of
Reports That
Are Incomplete
or Inaccurate**

24

* For each agency and the department, the top number represents the number of reports that contain incomplete information for this data element. The bottom number represents the number of reports that contain inaccurate information for this data element.

** Total errors exceed total number of reports containing inaccurate and incomplete priority one information because some reports include multiple errors and hence are represented in the table more than once.

THE TYPES OF ERRORS MADE BY THE
CHILD PROTECTIVE AGENCIES AND THE DEPARTMENT OF JUSTICE
FOR PRIORITY TWO DATA ELEMENTS

	Sample Size	Number of Cases Reported to the Department	Priority Two Data Elements*		Total Number of Errors
			Type of Abuse	Sex of Suspect and Victim	
Sacramento Police Department	25	12	0 2	0 0	0 2
Sacramento County Sheriff's Department	25	16	0 0	0 0	0 0
Sacramento County Department of Social Services	23	17	0 0	0 0	0 0
Bakersfield Police Department	25	16	0 1	0 0	0 1
Kern County Sheriff's Department	25	16	0 0	1 0	1 0
Kern County Department of Human Services	25	14	0 0	0 0	0 0
San Jose Police Department	25	8	0 0	0 0	0 0
Santa Clara County Sheriff	25	18	0 1	0 0	0 1
Santa Clara County Department of Social Services	10	0	0 0	0 0	0 0
Santa Clara County Probation Department	24	2	0 0	0 0	0 0
Santa Ana Police Department	25	18	0 1	0 1	0 2
Orange County Sheriff's Department	25	3	0 0	0 0	0 0
Orange County Social Services Agency	<u>25</u>	<u>24</u>	0 <u>0</u>	0 <u>0</u>	0 <u>0</u>
Total	<u>307</u>	<u>164</u>	0 <u>5</u>	1 <u>1</u>	1 <u>6</u>
Department of Justice	N/A	164	0 1	2 4	2 5
Total Number of Reports That Are Incomplete or Inaccurate**					<u>11</u>

* For each agency and the department, the top number represents the number of reports that contain incomplete information for this data element. The bottom number represents the number of reports that contain inaccurate information for this data element.

** Total errors exceed total number of reports containing inaccurate and incomplete priority two information because some reports include multiple errors and hence are represented in the table more than once.

THE TYPES OF ERRORS MADE BY THE
CHILD PROTECTIVE AGENCIES AND
THE DEPARTMENT OF JUSTICE FOR
PRIORITY THREE DATA ELEMENTS

	Sample Size	Number of Cases Reported to the Department	Priority Three Data Elements*				Total Number of Errors
			Date Report Completed	Date of Incident	Race of Victims and Suspects	Names of Other Involved Parties	
Sacramento Police Department	25	12	0 0	0 1	0 0	5 0	5 1
Sacramento County Sheriff's Department	25	16	0 0	0 1	0 0	2 0	2 1
Sacramento County Department of Social Services	23	17	0 0	0 2	0 0	5 1	5 3
Bakersfield Police Department	25	16	0 0	0 1	2 2	6 0	8 3
Kern County Sheriff's Department	25	16	0 0	1 0	3 0	0 0	4 0
Kern County Department of Human Services	26	14	0 0	0 1	0 0	0 0	0 1
San Jose Police Department	25	8	0 0	0 0	0 1	2 0	2 1
Santa Clara County Sheriff	25	18	0 0	0 0	0 0	0 0	0 0
Santa Clara County Department of Social Services	10	0	0 0	0 0	0 0	0 0	0 0
Santa Clara County Probation Department	24	2	0 0	0 0	0 0	0 0	0 0
Santa Ana Police Department	25	18	0 0	0 0	0 0	5 0	5 0
Orange County Sheriff's Department	25	3	0 0	0 0	0 0	0 0	0 0
Orange County Social Services Agency	<u>25</u>	<u>24</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>2</u>	<u>2</u>
Total	<u>307</u>	<u>164</u>	<u>0</u>	<u>8</u>	<u>3</u>	<u>1</u>	<u>12</u>
Department of Justice	N/A	164	0 2	0 14	1 5	1 0	2 21

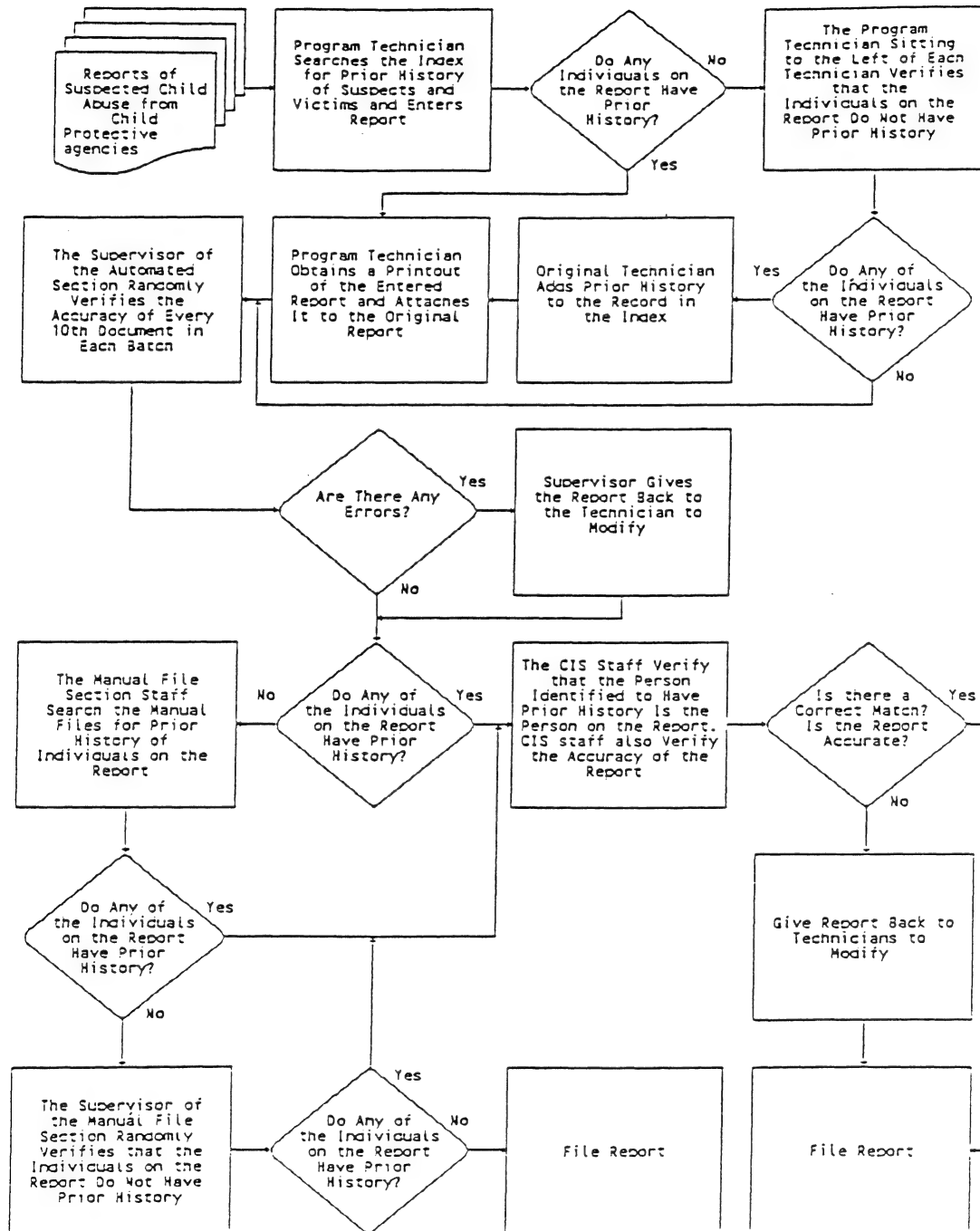
Total Number of Reports
That Are Incomplete
or Inaccurate**

32

* For each agency and the department, the top number represents the number of reports that contain incomplete information for this data element. The bottom number represents the number of reports that contain inaccurate information for this data element.

** Total errors exceed total number of reports containing inaccurate and incomplete priority three information because some reports include multiple errors and hence are represented in the table more than once.

**A FLOW CHART ILLUSTRATING THE
DEPARTMENT OF JUSTICE'S PROCEDURES FOR
ENTERING REPORTS OF SUSPECTED CHILD ABUSE
INTO THE CHILD ABUSE CENTRAL INDEX**



Source: Department of Justice

* A CIS is a Criminal Identification Specialist



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SACRAMENTO 94244-2550
(916) 445-9555

Thomas W. Hayes
Auditor General
660 J Street, Suite 300
Sacramento, CA 95814

Dear Mr. Hayes:

AUDITOR GENERAL'S AUDIT OF THE CHILD ABUSE PROGRAM

The Department of Justice (DOJ) has reviewed the Auditor General's report, "California's Records on the Incidence of Child Abuse are Incomplete and Inaccurate." The report's conclusions are consistent with problems the Child Abuse Program has experienced with reporting practices of child protective agencies. The report clearly states these problems and offers recommendations for improving the reporting process. DOJ is well aware of the gravity of the child abuse issue and the necessity of maintaining accurate records and will do everything within its authority to solve the problems revealed by the report.

DOJ has taken the following measures to correct the problems:

INTERNAL QUALITY CONTROL

The report recommends that DOJ develop and implement procedures to compare information entered into the Automated Child Abuse System (ACAS) against source documents to ensure accuracy. Procedures, consisting of second-party verification of all critical identification information entered in ACAS, were implemented July 18, 1988.

COMPREHENSIVE INFORMATION BULLETIN

The report recommends that DOJ issue a comprehensive bulletin summarizing previous Information Bulletins sent to child protective agencies. The bulletin should also: reemphasize DOJ reporting requirements for suspected child-abuse incidents; reemphasize requirement that child protective agencies report incidents of suspected murders of children (those cases determined not to be unfounded as suspected child abuse); recommend child protective agencies train those employees involved in investigating and reporting suspected child abuse in the child-abuse-reporting requirements; recommend that child protective agencies establish controls to ensure that each incident of child abuse that is investigated and determined not to be unfounded is reported to DOJ; recommend that child protective agencies establish formal interagency arrangements for coordinating investigations and reporting suspected child-abuse incidents.

DOJ issued Information Bulletin A-88-11-BCS/SS dated July 29, 1988 (see Attachment 1). The bulletin responded to the above recommendations, with one exception--the requirement that formal arrangements be established between child protective agencies for investigating and reporting child abuse.

In addition to the specified recommendations, the Information Bulletin defined pertinent terms, outlined child protective agency responsibilities, explained supplemental reporting, and emphasized that accurate and timely reports can help child protective agencies in investigations of suspected child abuse.

The Information Bulletin issued July 29, 1988 has been revised to include a requirement for formal interagency arrangements for child protective agencies. Although the report does not specifically recommend it, DOJ considers the issue important enough that the bulletin will also include a reminder that arrest and disposition information should be reported to DOJ. By September 20, 1988, the revised Information Bulletin will be distributed to all child protective agency personnel who might respond to reports of child abuse (about 65,000 persons).

CHILD-ABUSE ARREST REPORTING

The report recommends that DOJ examine why the reporting agencies have not reported felony child-abuse and homicide arrest information. DOJ recognizes that underreporting is a problem and has taken corrective steps. In 1984, the department established the Reporting Evaluation and Analysis Program (REAP) to identify and correct problems associated with the underreporting of felony arrests and disposition reports.

The ongoing analysis and training provided by REAP have been supplemented by published information directed to law enforcement personnel throughout the state. Three articles have appeared in law enforcement journals during the last 18 months (see Attachment 2).*

As mentioned above, the Information Bulletin issued July 29, 1988, has been revised to include a reminder that arrest and disposition information should be reported to DOJ.

CHILD-ABUSE REPORTING GUIDE

In order to facilitate further improvements, the Child Abuse Program prepared a comprehensive "Guide to Reporting Child Abuse to the Department of Justice" which will be distributed to child protective agencies throughout California by September 1, 1988 (see Attachment 3).* The guide sets out in clear, direct language the reporting requirements for child protective agencies and provides instructions for completing reporting forms.

* Office of the Auditor General's Note: The attachments are available for review at the Office of the Auditor General.

CONCLUSION

In conclusion, we want to thank your staff for the objective, in-depth study of the child-abuse-reporting process. We appreciate your staff pointing out areas in which improvements are needed, and as stated earlier, we have already implemented many of the recommendations and will complete the others on the dates indicated.

If there are any questions or concerns, please contact me at (916) 324-5435.

A handwritten signature in black ink, appearing to read 'Nelson Kempsey', with a stylized, cursive script.

NELSON KEMPSKY
Chief Deputy Attorney General

Attachments

California
Department of Justice
DIVISION OF
LAW ENFORCEMENT
G. W. Clemons, Director



INFORMATION BULLETIN

Subject:

CHILD ABUSE REPORTING

No.

A-88-11-BCS/SS

Date:

July 29, 1988

For further information contact:

JOHN TURNER, Manager
Child Abuse Program
(916) 739-5109

TO: SHERIFFS DEPARTMENTS, POLICE DEPARTMENTS, COUNTY WELFARE DEPARTMENTS,
COUNTY PROBATION DEPARTMENTS

This Information Bulletin is intended to remind all child protective agency personnel who respond to reports of child abuse of their responsibilities to report child abuse to the Department of Justice (DOJ). An on-going survey of child abuse reports received by DOJ consistently shows that 15 percent of the reports lack critical information, are illegible, or do not represent reportable child abuse. Other surveys and contacts with child abuse investigators indicate that some investigators are not aware of child abuse reporting requirements and do not forward applicable investigation reports to DOJ.

Because these problems are prevalent throughout California and because this child abuse information may be crucial for the protection of children, we are sending this bulletin to every child protective agency (police and sheriff's departments, county welfare and probation departments) in the state. It is important that a copy of this bulletin is given to every peace officer, child protective service social worker, probation officer or investigator who might respond to a report of child abuse.

DEFINITIONS

Before outlining specific reporting responsibilities of child protective agencies, we will define certain terms for clarification:

- Child means a person from birth through 17 years. By law, all abuse and neglect of a person defined as a child must be reported. This includes a child who has been declared by a court to be an "emancipated minor." This excludes a fetus and a person who is currently an adult but who was abused as a child.
- Child Abuse includes four types of abuse: physical, sexual, severe neglect, and mental or emotional. (See Attachment I for specific Penal Code sections.)
- Unfounded means that an investigator has determined, based on facts, that there was no child abuse. Penal Code Section 11165.12 states: "unfounded means...to be false, to be inherently improbable, to involve an accidental injury."
- Unsubstantiated means that from the facts available, the investigator was unable to determine whether or not there was child abuse.

- Abuse Suspected or Substantiated means that an investigator had a reasonable certainty at the time the DOJ Child Abuse Investigation report was submitted that child abuse had occurred.
- Supplemental Report means a report to DOJ submitted after a child protective agency has submitted an initial report of suspected child abuse and wants to notify DOJ of a change in a child abuse case status. For example, an agency may report that an investigation has discovered the suspected child abuse was unsubstantiated or unfounded, or additional facts not available when the first report was sent.

CHILD PROTECTIVE AGENCY RESPONSIBILITIES

Child protective agency responsibilities in the child abuse reporting process include training investigators in the requirements of the reporting laws, understanding what constitutes child abuse, ensuring that all reports are complete, accurate and submitted in a timely fashion, and notifying DOJ of any changes in or additions to information submitted initially. These responsibilities are contained in Penal Code Sections 11165 et seq.

Specifically:

1. Training

Child protective agencies are required to ensure that employees are aware of and understand the need to comply with the provisions of the child abuse reporting law. We suggest that agencies establish procedures to ensure that each child abuse investigator is trained in the reporting requirements and in completing child abuse reporting forms.

Law enforcement agencies should extend the training to officers who may be called on to investigate cases in which child abuse could play a part--for example, homicide and gang violence. Child homicides, which constitute child abuse, are often not reported.

To assist agencies in this training, we have attached a list of pertinent laws constituting child abuse, as well as a list of the exceptions, for investigators to use as a quick referral (see Attachment I).

2. What Must Be Reported

Physical Abuse means a physical injury inflicted by other than accidental means on a child by another person.

Some examples of physical abuse are: beating; unjustifiable corporal punishment; and homicide. Any homicide of a child must be reported, including gang-activity-related homicides.

Sexual Abuse includes sexual assault, exploitation and incest.

Some examples of sexual abuse are: incest; rape of a 15-year-old prostitute; child molestation; and certain specified pornographic offenses.

Mental/emotional abuse means the infliction of mental or emotional suffering on a child. Although mandated reporters have the legal option to report or not report mental/emotional abuse, if they do report this type of child abuse to a child protective agency, the child protective agency must investigate and send a report to DOJ.

An example of mental/emotional abuse is excessive verbal harassment.

Severe Neglect means a child's welfare has been risked or endangered or has been ignored to a point where the child has failed to thrive. (Generally, the standard is a child has been physically harmed or a very high probability exists that acts or omissions by responsible persons would lead to physical harm.)

An example of severe neglect is failure to provide adequate medical care that leads to death.

3. Accuracy, Completeness and Timeliness

All California child protective agencies use the information in the Child Abuse Central Index to obtain information from other agencies to complete investigations. This information is used by child protective agencies to determine if the victim is in imminent danger, if the victim has been abused before, if the suspect has been named as a child abuser in prior reports, and to support investigative findings to prosecute the suspect.

Accuracy and Completeness:

Reports lacking certain critical information, such as the name of the agency and the agency's case number, will be returned without processing because without this information DOJ cannot refer another investigator to contributing agencies. Reports that have been returned to child protective agencies must be completed correctly and returned to DOJ as soon as possible. To help reduce the possibility of returned forms, we suggest CPAs assign a person, other than the investigator who filled out the form SS8583, to review the report for accuracy and completeness.

Timeliness:

As soon as the agency has made investigative contacts and determined that the child abuse report is not unfounded and the suspected abuse or neglect is reportable to DOJ, the agency should fill out and send form SS8583 to DOJ. The investigation need not be completed to send DOJ the report, but the report should contain as much required information as possible.

The information submitted may contribute to the success of another investigation, and therefore it is essential that the information in DOJ's files is accurate, complete and current to provide the maximum benefit in protecting children and identifying and prosecuting suspects.

4. Supplemental Reporting Requirements

Unfounded Reports:

The law requires that child protective agencies notify DOJ of unfounded reports. Penal Code Section 11169 states: "A child protective agency shall not forward a report to the Department of Justice unless it has conducted an active investigation and determined that the report is not unfounded.... If a report has previously been filed which subsequently proves to be unfounded, the Department of Justice shall be notified in writing of that fact and shall not retain the report.... A child protective agency receiving a written report from another child protective agency shall not send such report to the Department of Justice."

The procedure for notifying DOJ that a report submitted has subsequently been determined to be unfounded is through a supplemental report. On DOJ form SS8583, Section A, Item 10, is a space for marking if an agency is submitting a supplemental report. Fill out all of Section A, then check 3 (b) under Item 10 if report is unfounded.

If DOJ receives an agency supplemental report denoting that a certain report previously submitted has been determined to be unfounded, the unfounded report will be purged from DOJ files, according to the law. It is important to remember that if the agency receiving an initial report of suspected child abuse relays the report to a second child protective agency that investigates and determines that the original report was unfounded, the second agency making the determination must report that finding to DOJ. By keeping the files purged of unfounded reports, information used by other agencies is accurate and innocent persons are spared.

Modified Information Regarding Suspects/Victims:

Supplemental reporting is also used to inform DOJ if the report has been unsubstantiated or if additional information has been found since the original report of suspected child abuse was submitted. Form SS8583 is also used for supplemental reporting. DOJ must be notified if suspects have been cleared (are no longer considered to be suspects) or if new suspects and/or victims have been identified. DOJ should also be notified of any change regarding victim status.


CONCLUSION

In summary, DOJ is the intermediary for the exchange of child abuse information submitted by all California child protective agencies. For this information to be useful in protecting children, it must be complete, accurate and current. In order to protect children, child protective agencies must ensure that their investigators know the laws, know the reporting procedures, and send child abuse investigation reports to DOJ.

If you have any questions, please contact the Child Abuse Unit at (916) 739-5109.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General



FRED H. WYNBRANDT, Asst. Director
Criminal Identification and
Information Branch

FHW:ddm
Attachment

ATTACHMENT I

There are four main categories of reportable child abuse:

Penal Code Section	Description
1. <u>SEXUAL</u>	
261	Rape
264.1	Rape or penetration of genital or anal openings; acting in concert by force or violence
285	Incest
286	Sodomy
288(a)	Lewd, lascivious acts upon body of child under 14
288(b)	Lewd, lascivious acts upon body of child under 14 by use of force, violence, etc.
288a	Oral copulation
289	Penetration of genital or anal openings by foreign object
311.2	Sending or bringing into state for sale or distribution matter depicting sexual conduct by minors
311.3	Depicting by film, photograph, videotape, etc., sexual conduct by person under 14; aiding, promoting, coercing, etc., a child to perform obscene sexual acts for purpose of producing pictorial depictions
311.4	Employment of minor to perform prohibited acts
647.6	Child molesting
11165.1	Certain other sexual acts, including penetration of vagina or anus by penis, sexual contact between genitals or anus by mouth or tongue, intrusion into genitals or anus by mouth or tongue, intentional touching of genitals or intimate parts to arouse or gratify, and intentional masturbation of perpetrator's genitals in child's presence.
.....	

ATTACHMENT I (Continued)

2. PHYSICAL

273a Willful cruelty or unjustifiable punishment of child; endangering life or health

273d Corporal punishment or injury of child

11165.3 Willful cruelty or unjustifiable punishment

11165.4 Unlawful corporal punishment or injury

.....

3. SEVERE NEGLECT

11165.2(a) Endangering or ignoring child's welfare to point of physical harm or potential for physical harm

.....

4. MENTAL/EMOTIONAL

11165.3 Inflicting mental or emotional suffering or endangering

DO NOT REPORT THE FOLLOWING:

1. Acts of consensual sexual behavior between children under 14 who are of a similar age.
2. Statutory rape (Penal Code, Section 261.5).
3. Accidental injuries.
4. Reasonable force by public school employees to stop violent disturbance or to exercise physical control (Education Code, Sections 44807 and 49001; Penal Code, Section 11165.4).
5. Mutual fights between minors (Penal Code, Section 11165.6).
6. General neglect, which means that the person responsible for the child's welfare has failed to provide adequate care but has not physically injured the child (Penal Code, Section 11165.2(b)).
7. Fetal abuse.
8. Reports from adults stating they were victims of child abuse as children.
9. Child stealing with no evidence of child abuse.
10. Unfounded reports.

cc: Members of the Legislature
Office of the Governor
Office of the Lieutenant Governor
State Controller
Legislative Analyst
Assembly Office of Research
Senate Office of Research
Assembly Majority/Minority Consultants
Senate Majority/Minority Consultants
Capitol Press Corps